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EXAMINER

CAPUTO, LISA M

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2876

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/666,482

Applicant(s)

SIMPSON-YOUNG ET AL.

Examiner

Lisa M Caputo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4,8,14-16,18,19,26-28,31-33,35-49,51-65,70-73,77-81 and 85-94 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,8,14-16,18-19,26-28,31-33,35-49,51-65,70-73,77-81 and 85-94 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 16 December 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Amendment*

1. Receipt is acknowledged of the amendment filed 16 December 2002.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 4, 14-16, 32-33, 35-42, and 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (U.S. Patent No. 5,530,232) in view of Yokokawa (U.S. Patent No. 4,904,853) and Combaluzier (WO 95/35534).

Taylor teaches a multi-application data card. Taylor discloses that FIG. 1 shows a multi-application data card 10 conveniently formed of plastic and containing solid-state circuitry represented schematically at 12 and the name of the authorized card holder.

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The card 10 is a smart card, and the solid-state circuitry 12 includes a microprocessor (as recited in claims 55 and 60 of the instant application) and memory chips embedded within the card as recited in claim 59 of the instant application. The memory chips hold the equivalent of several typewritten pages of information. An example of some of the data recorded on the card is shown in FIG. 1. Thus a number of applications, including American Express, Visa, Master Charge, Discovery, various oil companies, various hotels, and various airlines, may be recorded together with a PIN (personal identification number), the account number, expiration date, account (or access or vendor) code, and various records for each of the separate accounts, plus miscellaneous data. The account, access or vendor code is a special code of each vendor which lets that vendor alone change data on the vendor's portion of the card. The records column includes, for example, frequency data, bonus point tie-ins with multiple vendors, etc. The miscellaneous column is for whatever additional data a particular vendor may wish to record. In FIG. 1, the card 10 may have information printed or embossed, on its face in addition to the name of the card holder. For example, this information may include the address and possibly other information such as the social security number and telephone number of the card holder. The same information can alternatively or additionally be provided in a memory chip embedded in the card 10. This information is available to all: the card holder herself, of course, as well as any vendor to whom the card is presented. Thus this information, without access to the additional information represented in FIG. 1, is sufficient for many purposes, such as awarding coupons to consumers who indicate certain preferences via interactive T.V.

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FIG. 2 shows the smart card 10 interacting with a card reader/writer 14 (hereinafter referred to as a card reader for short) as recited in claim 51 of the instant application. The card reader 14 is capable of reading not only the smart card 10, which is inserted into a slot 16, but also a conventional magnetic-stripe card 18, which is inserted into a slot 20. The card reader is capable of writing on a cooperating smart card to update various records thereon. In the case of a magnetic-stripe card, the updating of the records is done at a remote location, as explained below. As FIG. 2A shows, it is possible to combine the smart card 10 and magnetic-stripe card 18 into a single multi-application card 22 having a magnetic stripe 19 for reading by a card reader compatible with a magnetic-stripe card and solid-state circuitry 12 for reading by a card reader compatible with a smart card. FIG. 2B shows the reverse side of the card shown in FIG. 2A, including a signature space S. The card reader may combine both reading functions in a single unit, as illustrated in FIG. 2, or separate card readers may be provided, one for reading magnetic-stripe cards and another for reading smart cards. Other examples, which need not be illustrated in the drawing, include duty-free shops, cruise lines, traveller's checks, ticketing, T.V. cable/satellite box (interactive), health care, telephone, foreign currency applications, vending machines, keys, driver's license, insurance data, passport, voice, fingerprint, signature and supermarkets. Not only credit transactions but also debit transactions and non-financial transactions are within the scope of the invention. In any case, the card reader includes first data port means enabling the holder of the card to select a particular application such as American Express, Visa, etc.

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The first data port means includes for example a keypad 24 by which the holder of the card selects the desired application.

In accordance with the invention, at least three memory banks or storage areas are formed for storing and updating data relating respectively to at least one authorized holder of the card and at least two authorized applications of the card. If the card is a smart card, the memory is located at least in part on the card. On the other hand, if the card is a magnetic-stripe card, the memory is located at least in part remotely from the reader and connected thereto by a data link. In FIG. 2, the reader 14 is connected by a data link represented schematically at 26 to a remote location 28 including database processing apparatus 30. The processing apparatus 30 can include a mainframe computer and peripheral equipment for receiving and processing information not only from the reader 14 but from numerous similar readers at various locations. Routing authorizations are controlled by circuitry 32 that continuously "talks" to the database processing circuitry 30 (analogous to the cache storing an address within a computer network as recited in claim 6 of the instant application). These routing authorizations include financial/banking, airlines, hotels, oil companies, etc., as indicated schematically in FIG. 2 at 34, 36, 38 and 40 (here as elsewhere in this disclosure, the listing is intended to be merely illustrative or exemplary and by no means exhaustive). Updates of the information based on the transactions initiated at the reader 14 and similar readers are processed by circuitry 42 and fed back to the circuitry 30. Depending on the transaction, the smart card 10 employed to authorize the transaction can be updated as a result of the transaction. The steps disclosed above can easily be implemented by

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those skilled in the art upon consideration of this disclosure (see Figures 1-2, col 3 line 47 to col 5 line 11). These steps are analogous to method as recited in claims 14-16 of the instant application.

Hence, Taylor teaches a smart card employable for communication to remote locations and useable for many different consumer purposes (i.e. electronic ticketing including venues, booking information, collecting cards etc. that has a substrate, an electronic memory, and multiple lines of indicium in the form of embossed characters and signatures).

Regarding claims 1, 41-42, and 51-54 Taylor fails to specifically teach that there is displayable information regarding the information in the card.

Yokokawa teaches a dual-function information-carrying sheet device. Yokokawa discloses that FIG. 1 shows the dual-function information carrying sheet device is provided in the form of an IC card 20 comprising a thin plastic plate 22 which typically measures approximately 85.7 mm in width, 54.0 mm in height and 0.76 mm in thickness. As is customary in the art, the plastic plate 22 has a digital data storage area 24 which is shown defined by broken lines and a general indication area 25 which is shown defined by dots-and-dash lines. In the general indication area 25 may be indicated, typically in embossed pattern, the nature of the card, the card owner's name and identification or registration number, and the term of validity of the card, though not shown in the drawings. In the digital data storage area 24 is incorporated a digital data storage medium which is typically implemented by a semiconductor IC chip 26 as

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shown in FIG. 2. As will be described in more detail, the IC chip 26 has stored therein digital data including control data to be predominant over the operation of the digital data storage medium implemented by the IC chip 26 and information data representative of the descriptive and/or graphic information to be visually and/or audibly reproduced (see Figures 1-2, col 3, lines 16-42). The information read/write module 40 further comprises image reproduction means implemented by a slide projector section 76 which is used for the optical reproduction of the visual information recorded on the image-carrying slide 36 on the dual-function IC card 20 properly installed on the read/write module 40. The control circuit and slide projector sections 58 and 76 of the read/write module 40 thus constructed and arranged are powered from a power supply unit 78 through d.c. and a.c. power supply lines 80 and 82, respectively, as shown (see Figure 4, col 6, lines 18-28).

In view of the teaching of Yokokawa, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a smart card with graphical display means to display the information for the venue in question because this will give the consumer a more information efficiently in order to make a better decision and to keep the system running smoothly.

Regarding claim 4, Taylor teaches a multi-purpose card for use in many different consumer applications. Examples include ticketing, T.V. cable box, healthcare, telephone, vending machines etc. (see col 4, lines 26-42). The information as recited in claim 4 of the instant application (i.e. representation of plan, pre-paid tickets) is



analogous to the information as disclosed by Taylor. In addition, the court case in re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) enforces that when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. Hence, the venue and ticket information is descriptive material and is not functionally related to the substrate.

Regarding claims 1, 32-33, and 35-36, Taylor as modified by Yokokawa fails to teach that the card is adapted for insertion into a card reader with a transparent membrane for interaction with an area of the membrane.

Combaluzier teaches a control unit with a keypad connectable to a smart card for activating the unit and keypad. Combaluzier discloses a control unit (1) consisting of a touch-sensitive keypad (2), a display (8) and an operating system. Said unit (1) has a slot for a smart card (memory card) (3) used to activate the unit (1). The keypad (2) comprises a number of touch-sensitive keys (13) made of transparent material so that the underlying inserted smart card (3) is visible. The back surface of the smart card (3) contacting the keypad (2) includes a set of customized indicia (14) each corresponding to one touch-sensitive key (13) on the keypad (2), and each of the smart card indicia (14) that can be seen through the transparent keys (13) of the keypad (2) represents the function assigned to the corresponding key (13) by the smart card (3) so that the unit (1) can be used in a variety of settings. Said unit is useful for remotely controlling electrical equipment and/or providing information to users (see abstract). Combaluzier teaches a control housing formed of a tactile keyboard, communication means, and operating

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means of the assembly, a housing being adapted to receive, in a recess provided for this purpose, a memory card which actuates said housing, characterized by the fact that the keyboard is comprised by a certain number of tactile keys which are of transparent material, leaving visible the sub-adjacent memory card which has been introduced, and by the fact that said memory card comprises, on its back, located in contact with the housing, an assembly of individualized datum, each datum corresponding to one of the tactile keys of the keyboard, and in that each datum, carried by the memory card and visible through each key of the keyboard, is representative of the function attributed to each corresponding key by said memory card, which actuates the housing in different fields (see page 4, lines 9-21). In addition, Combaluzier teaches that the housing 1 is constituted on its upper surface by a tactile keyboard 2, having the essential property that it is transparent. The memory card 3 (smartcard) comprises data 14 on its back and a chip 18. These data can be constituted by directional symbols or ideograms as seen in Figure 6, and also by numerals and letters and shown in Figure 7. Each datum 14 carried by the memory card 3 is visible through the transparency of each key 13 of the keyboard 2 and is representative of the function attributed to each corresponding key 13 carried by said memory card 3. The memory card 3, by means of its chip 18, programs the housing 1 via a connector 4 of the card 3 and an interface 5 of the card 3 directly connected to a microprocessor 9, as shown in Figure 9 (see Figures 1-7, page 6 line 14 to page 7 line 25). Hence, when the icon is selected, the system downloads information to the housing.

In view of the teaching of Combaluzier, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a reader with a transparent membrane because this is a logical and effective method for selecting the proper icon that is desired by the user. In business transactions, the level of customer friendly applications is important because the customers want to have the best possible, efficient experience.

Regarding claims 14 and 36, the information contained on the plurality of cards is a duplication of parts and is further stored on the multiple application data card of Taylor.

4. Claims 8, 18-19, 26-28, 31, 70-73, 77-81, and 85-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (U.S. Patent No. 5,530,232) as modified by Yokokawa and Combaluzier and further in view of Wilder (U.S. Patent No. 5,408,417). The teachings of Taylor as modified by Yokokawa and Combaluzier have been discussed above.

Taylor/Yokokawa/Combaluzier teach In FIG. 2, the reader 14 is connected by a data link represented schematically at 26 to a remote location 28 including database processing apparatus 30. The processing apparatus 30 can include a mainframe computer and peripheral equipment for receiving and processing information not only from the reader 14 but from numerous similar readers at various locations (see Taylor, Figure 2, col 4, lines 58-64).

Regarding claims 8, 18-19, and 86 Taylor/Yokokawa fail to teach a display coupled to the reader to display information.

Wilder teaches an automated ticket sales and dispensing system. Wilder discloses that the ticket vending console or terminal 10 contains the components of the ticket sales and dispensing apparatus. A color, touch-sensitive video display screen 11 is visible on the housing (see Figure 1, col 4, lines 34-43).

In view of the teaching of Wilder, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a display in order for the customer to see what is being sold to them, and for them to have a better idea of the product for a more complete, user friendly system.

Regarding claims 26-28, Taylor teaches a multi-application data card. Taylor discloses that FIG. 1 shows a multi-application data card 10 conveniently formed of plastic and containing solid-state circuitry represented schematically at 12 and the name of the authorized card holder. The card 10 is a smart card, and the solid-state circuitry 12 includes a microprocessor and memory chips embedded within the card. The memory chips hold the equivalent of several typewritten pages of information. An example of some of the data recorded on the card is shown in FIG. 1. Thus a number of applications, including American Express, Visa, Master Charge, Discovery, various oil companies, various hotels, and various airlines, may be recorded together with a PIN (personal identification number), the account number, expiration date, account (or access or vendor) code, and various records for each of the separate accounts, plus miscellaneous data (see Figure 1, col 3 lines 47-61). In addition, the court case in re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) enforces that when

descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. Hence, the venue and ticket information is descriptive material and is not functionally related to the substrate.

Regarding claim 31, Taylor as modified by Yokokawa/ Combaluzier teaches that the information read/write module 40 further comprises image reproduction means implemented by a slide projector section 76 which is used for the optical reproduction of the visual information recorded on the image-carrying slide 36 on the dual-function IC card 20 properly installed on the read/write module 40. The control circuit and slide projector sections 58 and 76 of the read/write module 40 thus constructed and arranged are powered from a power supply unit 78 through d.c. and a.c. power supply lines 80 and 82, respectively, as shown (see Yokokawa, Figure 4, col 6, lines 18-28).

Regarding claims 70-73, 77-81, and 85-87 Taylor teaches that in accordance with the invention, at least three memory banks or storage areas are formed for storing and updating data relating respectively to at least one authorized holder of the card and at least two authorized applications of the card. If the card is a smart card, the memory is located at least in part on the card. On the other hand, if the card is a magnetic-stripe card, the memory is located at least in part remotely from the reader and connected thereto by a data link. In FIG. 2, the reader 14 is connected by a data link represented schematically at 26 to a remote location 28 including database processing apparatus 30. The processing apparatus 30 can include a mainframe computer and peripheral equipment for receiving and processing information not only from the reader 14 but from

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numerous similar readers at various locations. Routing authorizations are controlled by circuitry 32 that continuously "talks" to the database processing circuitry 30 (analogous to the cache storing an address within a computer network as recited in claim 6 of the instant application). These routing authorizations include financial/banking, airlines, hotels, oil companies, etc., as indicated schematically in FIG. 2 at 34, 36, 38 and 40 (here as elsewhere in this disclosure, the listing is intended to be merely illustrative or exemplary and by no means exhaustive). Updates of the information based on the transactions initiated at the reader 14 and similar readers are processed by circuitry 42 and fed back to the circuitry 30. Depending on the transaction, the smart card 10 employed to authorize the transaction can be updated as a result of the transaction. The steps disclosed above can easily be implemented by those skilled in the art upon consideration of this disclosure (see Figures 1-2, col 4 line 47 to col 5 line 11).

5. Claims 43-49, 55-65, and 88-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor as modified by Yokokawa and Combaluzier and further in view of Shepherd (U.S. Patent No. 5,748,731). The teachings of Taylor, Yokokawa, and Combaluzier are discussed above.

Taylor/Yokokawa/Combaluzier fails to teach a trading card system.

Shepherd teaches an electronic trading card system. Shepherd discloses that it is an object of this invention to provide electronic trading cards which are stored and retrieved using computer hardware and software. It is another object of this invention to provide a mechanism which allows electronic trading cards to be collected and traded in a fashion similar to conventional trading cards, but which has the advantages of an

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electronic format and computerized searching and organizing. According to the invention, a computer data storage device, such as a magnetic disk, optical disk, laser mini-disk, magnetic tape, or static memory module, includes a plurality of electronic trading cards stored as individual files on the computer storage device. These trading cards can feature information and/or graphics on any subject matter sought to be collected, such as, for example, baseball cards or other "character" or "idol" cards as discussed in detail above, or, alternatively, for example, stamps, coins, post cards, etc. Each of the individual files encoded on the computer data storage device will be randomly drawn from a large pool of electronic files maintained in a separate computer database controlled by the commercial supplier of the electronic trading cards. The number of individual files or "electronic trading cards" supplied on any one computer data storage device will depend on a variety of factors including the needs of the electronic trading card suppliers, the storage capacity of the computer data storage device, and the nature and amount of information stored in each file. To enhance collectability and/or tradeability, the number of individual files on any one computer data storage device purchased by a collector will be a very small fraction of the total pool of files contained in the computer database maintained by the supplier (e.g., less than 1% and preferably less than 0.01%). In addition, the computer data storage device could also include one or more "special edition" electronic trading cards which would be electronic files that have a special feature different from other electronic trading cards. For example, the special feature may be an audio and/or video clip of a baseball player accomplishing a record, such as Cal Ripken, Jr. surpassing Lou Gehrig's consecutive

games streak, or a player performing a specific act, such as a golden glove all star making a spectacular catch. These audio and video clips would be activated for playback by the collector on his or her computer equipment. Alternatively, the "special edition" card could be identical in all respects to other electronic trading cards, except that it is drawn from a separate pool of cards and/or is identified as a special edition cards. For example, a supplier of electronic trading cards may wish to release special edition trading cards of retired baseball legends, or release special edition trading cards of a select group of active baseball players that have certain fan appeal. In the preferred embodiment, a limited amount of edition trading cards (and preferably one) would be provided on the data storage device with the other electronic trading cards, and this special edition trading card would be drawn from a different pool from the pool used for the other electronic trading cards. However, the special edition trading cards would also preferably be identical to the other electronic trading cards with respect to their collectability and tradeability... The electronic binder and the computer format of the electronic trading card will provide a number of advantages to the collector. For example, since the cards are not "handled" except electronically, they will not deteriorate with time. In addition, the electronic format may allow for features which cannot be realized with ordinary cards such as computer animation of a ball player (e.g., an electronic trading card could be made which would allow one to view the swing of a power hitter in baseball or the unique pitching style and delivery of a pitcher in baseball). Also, the electronic binder will preferably be equipped with database features that allow sorting, categorizing and the like. Thus, a baseball collector, for example,



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could quickly obtain a subset of his or her collection which only features hitters that are hitting over 0.300, or a subset that includes members of only one baseball team, etc. (see col 2 line 60 to col 4 line 64).

In view of the teaching of Shepherd, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a trading card system because trading cards is a popular pastime and it would be favorable to update the system in order for it to be more enjoyable for its users. In addition, the electronic trading card could be used for other applications like financial information etc. as opposed to baseball cards since this is descriptive material.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 4, 8, 14-16, 18-19, 26-28, 31-33, 35-49, 51-65, 70-73, 77-81, and 85-94 have been considered but are moot in view of the new ground(s) of rejection.

7. In response to applicant's arguments that the prior art of Taylor does not anticipate the limitations of the claims, examiner has provided additional art in the form of Combaluzier, although Taylor does indeed teach multiple memory banks on the multi-application data card as recited in claim 1. In addition the "trading" aspect is a different name for the transferring of data from card to card which is well known in the art and does not impede functionality.

In response to the applicant's arguments that a trading card system is not disclosed, examiner submits that this is descriptive material. See *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) which enforces that when

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descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability. Common situations involving nonfunctional descriptive material are: a computer-readable storage medium that differs from the prior art solely with respect to nonfunctional descriptive material, such as music or a literary work. Hence, the venue and ticket information is descriptive material and is not functionally related to the substrate. Further, Shepherd is provided to give the context of the trading card situation. In response to the applicant's arguments that Shepherd teaches away from the claimed invention examiner respectfully disagrees. Shepherd overcomes the limitation of the "trading card" limitation, which is descriptive material and which is not functionally relevant.

In response to the argument that there is incomplete motivation to combine Wilder with Yokokawa and Taylor, examiner submits that the motivation is to display as much information as possible to the customer, including the information from the data storage banks from the card of Taylor.

In response to applicant's argument that the set of cards is not addressed, in claims 14 and 36, the information contained on the plurality of cards is a duplication of parts and is further stored on the multiple application data card of Taylor.

In response to applicant's argument that data is downloaded when a user selects an indicium on the card (as recited in claim 62) is not shown, the new art of Combaluzier teaches that when the icon is selected, the system downloads information to the housing.

### ***Conclusion***

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lisa M. Caputo** whose telephone number is **(703) 308-8505**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone number for this Group is (703)308-7722, (703)308-7724, or (703)308-7382.


Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to **[lisa.caputo@uspto.gov]**.

*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

LMC

March 7, 2003

  
**MICHAEL G. LEE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**